

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58066 of 2025

Arising Out of PS. Case No.-234 Year-2024 Thana- GWALPARA District- Madhepura

Harinandan Yadav S/o Late Dhaneshwar Yadav R/o Village- Shyam, Ward
No. 10, P.S.- Gawalpara, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar Pandey, Adv
		Ms. Kumari Pallavi, Adv
For the Opposite Party/s :		Mr. Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 20-11-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Gawalpara P.S. Case No. 234 of 2024 registered for the offences punishable under Sections 109, 3/4 of the BNS and Section 27 of the Arms Act.

3. As per prosecution case, petitioner and others came on motorcycle and made indiscriminate firing at the house of the informant with intention to kill the informant. It is alleged that all the accused persons abused the informant and fled away. It is further alleged that prior to the present occurrence, on 19.06.2024, the firing was made upon the informant and for this Gawalpara P.S. Case No. 113 of 2024 was registered.



4. Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Learned counsel further submits that there is delay of one day in lodging the FIR and no plausible explanation was given for the same. Learned counsel further submits that there is no specific allegation against the petitioner rather the same is general and omnibus in nature. He further submits that at the timing of filing of the present bail application the criminal antecedent of the petitioner has been stated clean, though, the petitioner has been made accused in Gawalpara P.S. Case No. 114 of 2020 for the offence under Sections 341, 323, 302, 504/34 of the IPC and Section 27 of the Arms Act but the petitioner has been allowed anticipatory bail by the co-ordinate Bench of this Court. He further submits that petitioner's son namely, Om Prakash Kumar, who is posted at Purnia in Purnia Ayayna (Pvt) Industrial Training Institute K Nager, Purnia on the post of electrician trainer since 2021 was also made accused in the present case but the certificate was issued by the concerned department that he was on duty and he was present in the college premises. After seeing the CCTV footage and attendance register, police has given final form to the son of the



petitioner. In this way, the prosecution story is doubtful. Learned counsel further submits that although there is an allegation that the petitioner and four other accused persons fired continuously for about ten minutes but only two empty cartridges were recovered from the place of occurrence. Such a recovery itself falsifies and undermines the prosecution case. It is further submitted that nobody has sustained any injury in the alleged firing and as such no injury report is on record.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner and submits that there is allegation against the petitioner and he cannot escape from the allegation made in the FIR.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Madhepura, District-Madhepura in connection with Gawalpura P.S. Case No. 234 of 2024, subject to the conditions as laid



down under Section 482(2) of B.N.S.S.

(Alok Kumar Pandey, J)

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